

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20544

| |
|---------------------------|
| EXHIBIT <u>Page 9</u> |
| Date: <u>5/24/96</u> |
| Reporter: David A. Kasdan |

In the Matter of)
LIBERTY CABLE COMPANY, INC.)
)
Application for Review)
of the Denial of the)
Wireless Telecommunications Bureau)
of a Request for Confidentiality)
Pursuant to Sections 0.457 and 0.459)
of the Commission's Rules)

No. 95M003

AFFIDAVIT OF
LLOYD CONSTANTINE

LLOYD CONSTANTINE, being duly sworn, deposes and says:

1. I am a member of the law firm Constantine & Partners and an attorney duly admitted to practice law in New York State.
2. I make this affidavit to explain the genesis and preparation of the investigative report and audit concerning the procedures utilized by Liberty Cable Company, Inc. ("Liberty") to obtain Federal Communications Commission ("FCC" or "Commission") licenses for the operation of Liberty's microwave-based SMATV service in the 18GHz band (the "Investigative Report" or "Audit") which was provided to the Commission and in particular to Regina Keeney, the Wireless Telecommunications Bureau Chief, in a submission dated August 14, 1995. 001
3. In late April 1995, Liberty's Chairman, Howard Milstein, became aware that Liberty was providing service to customers in two buildings in New York City utilizing microwave paths that had pending, but not yet granted, applications before the FCC. My law firm and I (the "Firm") were retained to conduct an accelerated outside audit to ascertain whether Liberty had activated service on any other paths where a license application was then pending but had not been granted. In May 1995, the Firm ascertained that service had been initiated to a total of 15 buildings on microwave paths, where license applications were then pending but had not

been granted. This conclusion was reported to Mr. Milstein who directed it be disclosed to the Commission.

4. Mr. Milstein then retained the Firm to conduct the more extensive audit, the results of which were submitted to the Commission on August 14th and to prepare a "Compliance Program" to assure against future FCC licensing irregularities.

5. The Firm conducted the Audit in June, July and early August 1995. The Firm was given complete access to Liberty's books and records and an unfettered and unlimited opportunity to interview all Liberty personnel, officers and outside-retained counsel. The Firm utilized four attorneys, two paraprofessionals and ultimately also received investigative assistance from the law firms of Wiley, Rein & Fielding and Ginsberg, Feldman & Bress.

In all, this Firm alone devoted more than 500 hours of attorney and paraprofessional time to the Audit. As stated, Wiley, Rein and the Ginsberg, Feldman firms devoted many additional hours to the effort.

6. Because of the complete absence of restrictions on the Firm's ability to review documents and interview personnel and outside counsel, the Firm was able to discover errors which occurred in Liberty's licensing procedures and the reasons these errors occurred in a far more comprehensive, precise and accurate way than could any investigative agency. Contrasting the complete freedom which the Firm enjoyed conducting the Audit to any of the scores of grand jury and civil investigative demand investigations which I supervised as New York States chief antitrust prosecutor for ten years, I firmly and confidently conclude that neither the FCC nor any investigative body could have ascertained what the Firm did either in terms of its comprehensiveness nor its accuracy. This conviction is shared by the other principal investigators of the Firm, Robert Begleiter and Eliot Spitzer, who were, respectively, the former Civil Chief of the United States Attorneys Office in the Eastern District of New York and Chief

of the Labor Racketeering Bureau in the office of New York County District Attorney, Robert Morgenthau. The Audit also contains extensive information, material and documentation which are clearly privileged under the Attorney-Client and Attorney Work Product privileges and manifestly contains numerous mental impressions and opinions of the attorneys, of all three investigative firms, myself included. These mental impressions and conclusions of third-parties include harsh criticism such as the law firm of Pepper & Corazzini, who are not party to any FCC enforcement, and should not be exposed to public ridicule as a result of their cooperation with the Audit.

7. For these reasons, I concluded that the Audit results were confidential and should not be disclosed to the FCC unless they were afforded the confidential treatment to which they are entitled as a matter of law and so advised Liberty and its Chairman. This advice, in large part, relied upon the Commission's rule which provides that privileged information not be disclosed to the public, 47 C.F.R. § 0.457 (d), let alone to Liberty's competitor, Time Warner, who has established an extensive record of dissembling and distorting information for anti-competitive purposes. I also advised that consistent with 47 C.F.R. § 0.459 such information may be returned to Liberty Cable Company, Inc. if confidential treatment was denied by the Commission.


LLOYD CONSTANTINE

Sworn to before me this
20 day of September 1995


Notary Public

LESLIE F. SPASER
Notary Public, State of New York
No. 02SP5044886
Qualified in New York County
Commission Expires June 5, 1997

004

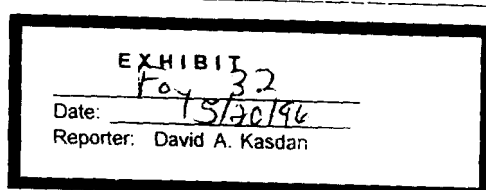
0048

APPENDIX A

Nineteen (19) Instances of Unauthorized OFS Operations

| FCC File Number | FCC Call Sign | Receiver Location (New York City) | Date License Applied For | Date STA Applied For | Date Liberty Began Service |
|-----------------|--------------------------|------------------------------------|--------------------------|----------------------|----------------------------|
| 708778 | WNTM210 | 35 W. End Ave. | 12/22/94 | 5/4/95 | 1/3/95 |
| | WNTM210 | 639 W. End Ave. | 12/22/94 | 5/4/95 | 2/14/95 |
| 708779 | WNTM388 | 441 E. 92nd St./ 1775 York Ave. | 2/21/95 | 5/4/95 | 1/16 or 1/23/95* |
| | WNTM555 | 767 Fifth Ave. | 11/7/94 | 5/4/95 | 4/12 or 4/17/95 |
| | WNTM385 | 1295 Madison Ave. | 7/17/95 | 7/24/95 | 7/27 or 7/28/94* |
| | WNTM555 | 38 E. 85th St. | 7/17/95 | 7/24/95 | 7/18/94* |
| 708780 | WNTM555 | 564 First Ave. | 11/7/94 | 5/4/95 | 1/3 or 1/11/95 |
| | WNTM555 | 545 First Ave. | 11/7/94 | 5/4/95 | 1/3 or 1/23/95 |
| | WNTM555 | 200 E. 32nd St. | 3/23/95 | 5/4/95 | 3/27/95 |
| 708781 | WNTM385 | 30 Waterside Plaza | 2/21/95 | 5/4/95 | 3/15/95 |
| | WNTM212 | 430/440 E. 56th St. | 7/17/95 | 7/24/95 | 7/11/94* |
| | WNTM212 | 433 E. 56th St. | 1/31/95 | 5/4/95 | 12/27/94* |
| | WNTM212 | 114 E. 72nd St. | 11/23/94 | 5/4/95 | 1/30/95 |
| | WNTM212 | 524 E. 72nd St. | 11/7/94 | 5/4/95 | 11/16/94 |
| 709332 | WNTY371 | 25 W. 54th St. | 11/23/94 | 5/4/95 | 2/6/95 |
| 709426 | Consolidated with 708781 | | | | |
| 711937 | Consolidated with 708781 | | | | |
| 712203 | WNTW782 | 380 Rector Pl. | 7/17/95 | 7/24/95 | 10/12/94* |
| 712218 | WNTY584 | 16 W. 16th St. | 2/21/95 | 5/4/95 | 3/28/95 |
| 712219 | WNTY605 | 6 E. 44th St. | 2/21/95 | 5/4/95 | 4/12 or 4/19/95 |
| 713295 | WNTX889 | 2727 Palisades Ave. | 3/24/95 | 5/19/95 | 4/24/95 |
| 713296 | Consolidated with 708778 | | | | |

* Liberty activated service on these paths prior to applying for the license.



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APPENDIX B

Thirteen (13) Instances of Unauthorized "Hardwire" Interconnections

| FCC File Number | FCC Call Sign | Hardwired Location (New York City) | Receiver Location (New York City) | Date Liberty Began Service |
|-----------------|--------------------------|------------------------------------|-----------------------------------|----------------------------|
| 708777 | WNTT370 | 220 E. 52nd St. | 211 E. 51st St. | 6/13/94 |
| 708778 | WNTM210 | 55 Central Park W. | 10 W. 66th St. | 9/21/94 |
| | WNTM210 | 170 W. End Ave. | 160 W. End Ave. | 5/26/94 |
| | WNTM210 | 152 W. 57th St. | 118 W. 57th St. | 1/31/94 |
| 708779 | WNTM385 | 120 E. End Ave. | 510 E. 86th St. | 7/18/94 |
| | WNTM385 | 525 E. 86th St. | 535 E. 86th St. | 5/5/94 |
| | WNTM385 | 44 W. 96th St. | 12 W. 96th St. | 12/15/93 |
| 708781 | WNTM212 | 60 Sutton Pl. | 420 E. 54th St. | 11/23/92 |
| | WNTM212 | 425 E. 58th St. | 400 E. 59th St. | 5/25/94 |
| | WNTM212 | 239 E. 79th St. | 229 E. 79th St. | 3/28/94 |
| | WNTM212 | 225 E. 74th St. | 207 E. 74th St. | 2/6/95 |
| 709426 | Consolidated with 708781 | | | |
| 711937 | Consolidated with 708781 | | | |
| 713296 | Consolidated with 708778 | | | |
| 713300 | New | Lincoln Harbor Yacht Club | 600 Harbor Blvd. | 4/13/95 |
| 717325 | WPJA278 | 164 E. 87th St. | 170 E. 87th St. | 10/21/93 |

| | |
|--|--|
| Declaration of Peter Price Date <u>96-41</u> <u>31</u> TWCV | |
| { | Identified <input checked="" type="checkbox"/> |
| | Received <input checked="" type="checkbox"/> |
| | Rejected <input type="checkbox"/> |
| DECLARATION OF PETER PRICE Reporter <u>P</u> Date <u>1-10-97</u> | |

PETER PRICE, hereby declares under penalty of perjury, as follows:

1. I am the President of Bartholdi Cable Co., Inc., formerly known as Liberty Cable Co., Inc. ("Liberty"). I make this declaration on personal knowledge in support of Liberty's Motion in Opposition to the Joint Motion to Enlarge Issues Submitted by Time Warner Cable of New York City, Paragon Cable Manhattan and Cablevision of New York City - Phase I.


2. In connection with preparing this declaration, I reviewed both a redacted and unredacted copy of a document dated February 24, 1995 addressed to me and others from Michael Lehmkuhl at Pepper & Corazzini relating to Inventory of 18 GHz Licenses Issued to Liberty (the "Lehmkuhl Inventory").

3. I do not recall ever receiving or seeing a copy of the Lehmkuhl Inventory prior to reviewing that document in connection with the preparation of this declaration.

4. I reaffirm that all the testimony I gave at my depositions on May 28 and 31, both generally and with respect to my knowledge of Liberty's premature activation of buildings and when I became aware of it, was true, accurate and complete to the best of my knowledge and recollection. At no time in the course of this proceeding or otherwise have I engaged in any intent to deceive the Federal Communications Commission (the "Commission") or the Wireless Telecommunications Bureau (the "Bureau") in verbal and written statements submitted or

presented to the Commission or the Bureau.

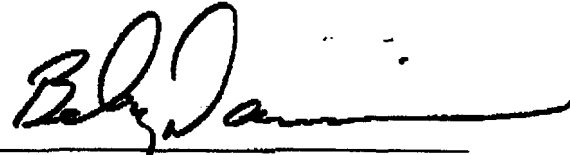
Dated: New York, New York
July 18, 1996

A handwritten signature in black ink, appearing to read "Peter O. Price", is written over a horizontal line.

PETER O. PRICE

Commission or the Bureau.

Dated: New York, New York
July 22, 1996

A handwritten signature in black ink, appearing to read 'Behrooz Nourain', written over a horizontal line.

BEHROOZ NOURAIN

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August 14, 1995

Regina Keeney, Chief
Wireless Telecommunications Bureau
Federal Communications Commission
Washington, D.C. 20554

| | | | | | | | |
|-----------------------------------|---|------------|---|----------|--|----------|---|
| Federal Communications Commission | | | | | | | |
| Date | 96-41 33 | | | | | | |
| From | TWCV | | | | | | |
| Disposition | <table border="0"><tr><td>Identified</td><td>✓</td></tr><tr><td>Received</td><td></td></tr><tr><td>Rejected</td><td>✓</td></tr></table> | Identified | ✓ | Received | | Rejected | ✓ |
| Identified | ✓ | | | | | | |
| Received | | | | | | | |
| Rejected | ✓ | | | | | | |
| Reporter | FL | | | | | | |
| Date | 1-10-97 | | | | | | |

Re: Your Reference 95M003; Liberty Cable Co.
Response to Commission Inquiry;
REQUEST FOR CONFIDENTIALITY

Dear Ms. Keeney:

Pursuant to your August 4, 1994, letter, we enclose the requested information and the results of Liberty's internal audit. As explained below, we also request confidentiality for the attachments to this letter.

In answer to the specific questions contained in Mr. Davenport's letter, nineteen paths are currently unlicensed. Seventeen of these paths were discovered as a result of Liberty's internal investigation. These paths provide service to 1,808 subscribers, and this service is being provided free of charge.

This and additional information is being provided to the Commission in the enclosed attachment. These submissions contain material of a confidential and highly sensitive nature. Much of this material ordinarily would be protected by the attorney-client and work product privileges. Nonetheless, Liberty is voluntarily disclosing this information to the Commission in order to demonstrate its good faith and its desire to show the gravity it accords its responsibility to comply with FCC regulations. We hope that the Commission recognizes Liberty's sincere intention here to set matters right.

Regina Keeney, Chief
August 14, 1995
Page 2

While we are serving a copy of this letter on our competitor, Time-Warner, we are not serving a copy of the attached materials. As stated above, Liberty is voluntarily submitting the attached materials to the FCC. However, Liberty objects to the disclosure of the report to any other party and requests that the report be accorded confidential treatment pursuant to Sections 0.457 and 0.459 of the Commission's rules. 47 C.F.R. §§ 0.457, 0.459. Accordingly, the report should be accepted by the Commission on a strictly confidential basis under Section 0.457(d) of the FCC's rules. 47 C.F.R. § 0.457(d). This section -- which mirrors "Exemption 4" to the Freedom of Information Act ("FOIA"),¹ -- provides for confidential treatment of commercial or financial information obtained from any person which are privileged or confidential.

It is plain that the report contains "commercial" information that has been obtained from certain "persons." Further, the decisions of the D.C. Circuit make clear that the report is "confidential" under Exemption 4. In National Parks and Conservation Ass'n v. Morton, the D.C. Circuit established a test for determining whether such information is confidential for purposes of the exemption.² Under the National Parks test commercial information is confidential and thus exempt from disclosure if the information is likely to have either of the following effects:

- (1) to impair the Government's ability to obtain necessary information in the future; or
- (2) to cause substantial harm to the competitive position of the person from whom the information was obtained.³

Liberty's report is "confidential" within the meaning of the exemption under both elements of the test. First, disclosure of the information in the report is likely to chill future voluntary disclosure by FCC regulatees and their employees. Indeed, as stated above, the

¹ 5 U.S.C. § 552(b)(4); see Amendment of Rules Implementing the Freedom of Information Act, 51 F.C.C.2d 52 (Report and Order) (1975); see also Mobile Communications Holdings, Inc., 10 FCC Rcd 1547 (1994) ("[o]ur own rules on confidential submissions . . . are based on FOIA Exemption 4").

² 498 F.2d 765 (D.C. Cir. 1974).

³ National Parks, 498 F.2d at 771 (footnotes omitted).

Regina Keeney, Chief
August 14, 1995
Page 3

report includes sensitive and privileged material that ordinarily would not be shared with outside parties.

Furthermore, the information in the report has been collected and submitted to the FCC voluntarily and the Commission therefore has a strong interest in ensuring the continued availability of such material. As the National Parks court observed, "[u]nless persons having necessary information can be assured that it will remain confidential, they may decline to cooperate with officials and the ability of the Government to make intelligent, well informed decisions will be impaired."⁴ Reaffirming this analysis, the D.C. Circuit recently refined the National Parks test by establishing a categorical rule that information supplied voluntarily is confidential and therefore protected from disclosure.⁵ The court stated that

we conclude that financial or commercial information provided to the Government on a voluntary basis is "confidential" for the purpose of Exemption 4 if it is of a kind that would customarily not be released to the public by the person from whom it was obtained.⁶

Hence, under applicable precedent,⁷ there is no doubt that Liberty's report fits within Exemption 4 to FOIA.

In any event, Liberty's report also is "confidential" under the second prong of the National Parks test because disclosure of the information contained in the report would substantially damage Liberty's competitive position. The material is of the type of detailed internal operating, sales, marketing, and administrative information in which Liberty has a compelling confidentiality interest. Disclosure of this information to Time-Warner would significantly disadvantage Liberty in its efforts to win new customers from the cable monopoly. Given Time-Warner's well documented history of anticompetitive actions to maintain its monopoly, it is likely that Time-Warner would use such information to further thwart competition.

⁴ National Parks, 498 F.2d at 767.

⁵ Critical Mass Energy Project v. Nuclear Regulatory Commission, 975 F.2d 871 (D.C. Cir. 1992).

⁶ Id. at 879.

⁷ Critical Mass, supra, and, National Parks, supra.

Regina Keeney, Chief
August 14, 1995
Page 4

In addition, § 0.457(d) of the Commission's rules provides that the Commission is authorized to

withhold from public inspection materials which would be privileged as a matter of law if retained by the person who submitted them, and materials which would not customarily be released to the public by that person, whether or not such materials are protected from disclosure by a privilege.

The material that Liberty is submitting is protected by the attorney-client privilege and the attorney work product privilege and is material that would not be customarily released. Finally, as a great deal of the material contained in the report relates to individuals, disclosure could constitute an invasion of their privacy.

In sum, Liberty's report constitutes confidential commercial information under Exemption 4 to FOIA under both parts of the National Parks test and therefore should be accorded confidential treatment under Sections 0.457(d) and 0.459 of the Commission's rules. While the Commission nonetheless has discretion to disclose such confidential information, it is not justified in doing so where, as here, the information is not necessary to resolve a public interest issue.⁸ As stated above, all salient facts concerning Liberty's failure to comply with the Commission's rules are set forth in the letter served on Time-Warner. Release of additional material to a competitor would disserve the public interest by needlessly discouraging the further frank disclosure of information such as that contained in the report.

Finally, because Liberty is submitting the materials for which it requests confidential treatment voluntarily, Liberty hereby requests that the Commission return the material without consideration if the request for confidentiality should be denied, consistent with Section 0.459(e) of the Commission's rules. 47 C.F.R. § 0.459(e).

Should any questions arise concerning this matter, please communicate with the undersigned.

Respectfully submitted,
LIBERTY CABLE COMPANY, INC.

⁸ See, e.g., Mobile Communications Holdings, 10 FCC Rcd 1547 (1994).

Regina Keeney, Chief
August 14, 1995
Page 5

By: Henry M. Rivera /s/
Larry S. Solomon
Henry M. Rivera
Larry S. Solomon
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By: Lloyd Constantine /s/
Lloyd Constantine
Robert L. Begleiter
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Its Counsel

Enclosures

cc: Howard C. Davenport, Chief
Enforcement Division
Wireless Telecommunications Bureau

Arthur H. Harding, Esq.

VINCENT A. PEPPER
 ROBERT F. CORAZZINI
 PETER CUTMANN
 JOHN F. GARZIGLIA
 NEAL J. FRIEDMAN
 ELLEN S. HANDELL
 HOWARD J. BARR
 LOUISE CYBULSKI
 L. CHARLES KELLER
 MICHAEL J. LEHMKUHL
 * NOT ADMITTED IN D.C.

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1808
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 C. THEODORE HALLICK
 OF COUNSEL
 FREDERICK W. FORD
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TELECOPIER (202) 296-5572
 INTERNET PEPCOR@COMMLAW.COM

MEMORANDUM

TO: BEHROOZ NOURAIN
 CC: PETER O. PRICE, ESQ.
 FROM: Michael J. Lehmkuhl, Esq. *ML*
 RE: Status of New and Pending Applications
 DATE: April 28, 1995

| | | |
|------------|-------------------------------------|----|
| 96-41 | | 34 |
| TWCV | | |
| Identified | <input checked="" type="checkbox"/> | |
| Received | <input checked="" type="checkbox"/> | |
| Rejected | <input type="checkbox"/> | |
| Reporter | | |
| Date | 1-10-97 | |

You have asked me to prepare a summary of the status of Liberty's pending 18 GHz applications. Attached is a list of all Liberty Cable Co., Inc. ("Liberty") applications that are pending or that are subject to Time Warner's Petition to Deny. Time Warner has petitioned against all applications that have appeared on public notice as of January 9, 1995 except for those most recently filed on March 23, 1995.

All of the applications except those that have been conditionally granted or were filed after March must again appear on public notice because of the emission designator problem originated by Comsearch. On March 21, 1995, I amended all the applications that had the incorrect emission designator. Although Comsearch, in their accompanying letter, claimed that this was a minor amendment to the applications, Ted Ryder, Assistant Chief of the Microwave Branch, informed me that all the applications that were amended on March 21, 1995 must again appear on public notice. To date, only the following file numbers have again appeared on public notice: 712203, 712218, and 712219.

Howard Barr and I have inquired about the possibility of getting Special Temporary Authority ("STA") for all pending applications that have been filed more than two months ago. The Commission staff has indicated, however, that because these applications are the subject of a petition to deny, they would not be inclined to grant an STA request. Nevertheless, we feel that such a request should be made owing to the seriousness of the situation.

You have also asked me to set forth a processing time-table for future applications. An application, barring petitions to deny or other processing problems,

takes approximately 90 - 120 days to license. Comsearch takes approximately 45 days to complete its frequency coordination, which includes the 30 day coordination notice period. The Commission's current speed of processing for the applications is approximately 60 days, including the 30 day public notice period.

The Commission has indicated that it will not routinely grant requests for STA, in cases where an application has already been filed, except in the following circumstances: 1) where the application has appeared on public notice and has been pending for more than sixty days since; or 2) notwithstanding the public notice period, in emergency situations or where a delay would seriously prejudice the public interest. With regard to the latter, the Commission has indicated that more than mere economic loss is required.

In the past, I have filed applications as amendments where there was already a pending application. In light of the Time Warner petitions and because the processing of these applications has been slowed, I am not filing any applications as amendments. Time Warner has, however, indicated an intention to petition all Liberty applications, which will slow processing, at least until the first petition is resolved. Since the allegations are repetitive, resolution of that petition should be dispositive of the remainder.

If you have any further questions in this regard, please call me.

**Liberty Cable Co., Inc.
Pending Application Status**

| <u>File No.</u> | <u>Transmit Site</u> | <u>Date Filed</u> | <u>PN Accept</u> | <u>Path Name</u> | <u>Type</u> | <u>Status</u> | <u>PD Date</u> |
|-----------------|----------------------|-------------------|------------------|---------------------------|-------------|---------------|----------------|
| 708777 | River Tower | 11-7-94 | 12-9-94 | 220 East 52nd Street | M | P | 1-9-95 |
| 708778 | One Lincoln Plaza | 11-7-94 | 12-9-94 | 55 Central Park West, NYC | M | P | 1-9-95 |
| 708778 | One Lincoln Plaza | 11-7-94 | 12-9-94 | 170 West End Avenue, NYC | M | P | 1-9-95 |
| 708778 | One Lincoln Plaza | 12-22-94 | | 639 West End Avenue, NYC | A | P | 1-9-95 |
| 708778 | One Lincoln Plaza | 12-22-94 | | 35 West End Avenue, NYC | A | P | 1-9-95 |
| 708779 | Normandie Court | 11-7-94 | 12-9-95 | 44 West 96th Street | M | P | 1-9-95 |
| 708779 | Normandie Court | 11-7-94 | 12-9-94 | 120 East End, NYC | M | P | 1-9-95 |
| 708779 | Normandie Court | 11-7-94 | 12-9-94 | 525 East 86th Street | M | P | 1-9-95 |
| 708779 | Normandie Court | 11-7-94 | 12-9-94 | 567 Fifth Avenue | M | P | 1-9-95 |
| 708779 | Normandie Court | 2-21-95 | | 441 East 92nd Street | A | P | 1-9-95 |
| 708780 | Windsor Court | 11-7-94 | 12-9-94 | Resident Hall, NYU Campus | M | P | 1-9-95 |
| 708780 | Windsor Court | 11-7-94 | 12-9-94 | Greenburg Hall, NYU Campu | M | P | 1-9-95 |
| 708780 | Windsor Court | 3-23-95 | | 200 East 32nd Street | A | P | 1-9-95 |
| 708781 | Bristol Plaza | 11-7-94 | 12-9-94 | 239 East 79th Street | M | P | 1-9-95 |
| 708781 | Bristol Plaza | 11-7-94 | 12-9-94 | 524 East 72nd Street | M | P | 1-9-95 |
| 708781 | Bristol Plaza | 11-7-94 | 12-9-94 | 425 East 58th Street | M | P | 1-9-95 |
| 708781 | Bristol Plaza | 11-7-94 | 12-9-94 | 60 Sutton NYC | M | P | 1-9-95 |
| 709332 | 767 Fifth Avenue | 11-23-94 | 12-30-94 | 25 West 54th Street | N | P | 1-9-95 |
| 709332 | 767 Fifth Avenue | 2-21-95 | | 335 Madison Avenue | A | P | 1-9-95 |
| 709332 | 767 Fifth Avenue | 3-23-95 | | 1025 Fifth Avenue | A | P | 1-9-95 |
| 709426 | Bristol Plaza | 11-23-94 | 12-30-94 | 114 East 72nd Street | M | P | 1-9-95 |
| 711937 | Bristol Plaza | 1-31-95 | 3-17-95 | 433 East 56th Street | M | G | 4-17-95 |
| 711937 | Bristol Plaza | 2-21-95 | 3-17-95 | 30 Waterside | M | G | 4-17-95 |

Liberty Cable Co., Inc.
Pending Application Status

| <u>No.</u> | <u>Transmit Site</u> | <u>Date Filed</u> | <u>PN Accept</u> | <u>Path Name</u> | <u>Type</u> | <u>Status</u> | <u>PD Date</u> |
|------------|---|-------------------|------------------|---------------------|-------------|---------------|----------------|
| 203 | 99 Battery | 2-21-95 | 3-31-95 | 61 Broadway | M | G | 4-17-95 |
| 218 | 30 Waterside (from Bristol) | 2-21-95 | 3-31-95 | 16 West 16th Street | N | G | 4-10-95 |
| 219 | 335 Madison Avenue (from 767 5th Ave.) | 2-21-95 | 3-31-95 | 6 East 44th Street | N | G | 4-10-95 |
| 295 | Century | 3-24-95 | 4-14-95 | 2727 Palisades | M | P | |
| 296 | One Lincoln Plaza | 3-24-95 | 4-14-95 | 11 Riverside, NY | M | P | |
| 297 | Milford Plaza | 3-24-95 | 4-14-95 | 1585 Broadway | M | P | |
| 300 | Stonehenge | 3-24-95 | 4-14-95 | Riviera | N | P | |

TRANSMIT CONFIRMATION REPORT

| | | |
|-------------|---|--------------------|
| NO. | : | 013 |
| RECEIVER | : | 2127355678 |
| TRANSMITTER | : | PEPPER & CORAZZINI |
| DATE | : | APR 28 '95 17:32 |
| DURATION | : | 03'28 |
| MODE | : | STD |
| PAGES | : | 05 |
| RESULT | : | OK |